

Grace, Guy, Henry F. M., Hobby, Martin, Moore, Piner, Smith, Wortham—14.

YAYS—Senators Brown, Burton, Carroll, Crain, Francis, Ford, Ledbetter, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson—16.

Senator Smith moved to lay the second part of the resolution, fixing the time of adjournment, on the table.

Carried by the following vote.

YEAS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., Hobby, Martin, Moore, Piner, Smith, Wortham—15.

NAYS—Senators Brown, Burton, Carroll, Crain, Ford, Ledbetter, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Mr. President—16.

Senator Francis moved to adjourn till to-morrow morning 8 o'clock.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Edwards, Francis, Ford, Grace, Henry F. M., Ledbetter, Martin, McCulloch, Moore, Motley, Piner—15.

NAYS—Senators Burton, Carroll, Douglass, Guy, Hobby, McLeary, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—12.

NOT VOTING—Senators Crain, McCormick, Stephens—3.

EIGHTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 27, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. No quorum present.

On motion of Senator Martin, the Senate adjourned until 9 o'clock A. M.

Senate met according to adjournment. Roll called. Quorum present. President in the chair. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Storey, Chairman of the Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred House Bill No. 24, entitled, "An Act defining what money and property is subject to taxation or exempted, and the mode of listing the same," have had the same under consideration, and instruct me to report it back with the accompanying amendments, and as amended recommend that it do pass.

STOREY, *Chairman.*

In Section 1, line 3, after the word, "or," insert the words, "may be."

Also, in line 5, after the word, "or," insert the words, "may be."

In Section 3, line 10, after the word, "taxed," strike out the words, "more than," and insert the words, "over and above what."

Also, in line 11, after the word, "person," strike out the words, "more than," and insert the words, "over and above."

In Section 4, line 15, after the word, "any," strike out the word, "contiguous."

Also, in line 25, before the word, "affirmation," insert the words, "oath or."

In Section 5, subdivision 6, and lines 2 and 3, add the words, "Odd Fellow, Mason, Temperance, Grange Halls, beneficiary, and other like societies," and in subdivision 9, line 1, strike out after the word, "libraries," the words, "and real."

In Section 16, line 2, after the word, "broker," insert the words, "dealer in exchange."

In Section 18, subdivision 1, line 3, after the word, "same," strike out the balance of the subdivision.

In Section 18, subdivision 2, line 2, strike out the words, "its cost as at present constructed, present estimated," and insert after the word, "value," in line 3, of said subdivision, the word, "thereof," and strike out in same line, the words, "naming the percentage of depreciation, if any."

In Section 18, subdivision 3, line 3, strike out after the word, "value," the words, "naming the percentage of depreciation, if any."

In Section 24, subdivision 6, line 2, after the word, "deposited," insert the words, "or in the hands of any member of the family or any other person or persons whatsoever."

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred House Bill No. 420, entitled, "An Act to declare the time when the Sixteenth and succeeding Legislatures of the State of Texas shall assemble," have had the same under consideration, and instruct me to report it back and recommend that it do pass.

McLEARY, *Chairman.*

Senator Crain, Chairman of the Committee on Stock and Stock Raising, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

A majority of your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 328, entitled, "An Act to regulate the estraying of stock," instruct me to report the same back and recommend its passage.

CRAIN, *Chairman.*

Senator Stephens, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 262, "An Act to reserve from location, in the event of forfeiture, the public domain reserved for the benefit of railroads and railroad companies;" also, Senate Bill No. 341, "An Act to exempt the persons and property of Indianola from payment of certain taxes," and find them correctly engrossed.

STEPHENS, *Chairman.*

Senator Crain, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and find correctly engrossed, the following bills:

Senate Bill No. 369—"An Act to provide for holding a special term of the District Court of Collin county, in November, 1876, for the trial of criminal causes."

Senate Bill No. 355—"An Act for the relief of the Sherman, Tyler and Henderson Railroad Company."

Senate Bill No. 281—"An Act to amend Section 7 of an act entitled, 'An Act to incorporate the Austin and Pacific Short Line Railroad Company,'" passed May 30, 1873.

CRAIN, for Committee.

On motion of Senator Storey, the rules were suspended, and House Bill No. 24, "An Act defining what money and property is subject to taxation or exemption, and the mode of listing the same," was taken up, fifty copies ordered printed, with committee amendments, and made the special order for to-morrow at 11 o'clock A. M., and from day to day until disposed of.

Senator Guy introduced a bill entitled: "An Act for the relief of the Dallas and Wichita Railroad Company."

Read by caption, and referred jointly to Judiciary Committees Nos. 1 and 2.

The motion of Senator Douglass, made on yesterday, to take up Senate Bill No. 275, "An Act to grant aid to railroad companies," etc., was taken up and carried by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Guy, Henry F. M., Hobby, Ledbetter, McCormick, Moore, Motley, Piner, Ripetoe, Smith, Thompson, Wortham—20.

NAYS—Senators Blassingame, Crain, Grace, McLeary, McCulloch, Stephens, Storey, Terrell—8.

Bill taken up and read third time.

Senator Crain offered the following amendment:

Add to the bill a section, to be enumerated Section 4:

"SEC. 4. No part of the public domain shall be granted to any railroad company for the building of any railroad in any county wherein a railroad has already been completed and is in operation: *provided*, that this section shall not interfere in any way with any rights under existing charters: *and provided, further*, that the provisions of this section shall not apply to any railroad company in any county in which an initial or terminal connection may be made by said railroad with a railroad already in operation."

Lost by the following vote, a two-thirds vote being necessary:

YEAS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Hobby, McLeary, McCormick, McCulloch, Motley, Stephens, Storey, Terrell, Thompson—16.

NAYS—Senators Ball, Blassingame, Brady, Grace, Guy, Henry F. M., Ledbetter, Martin, Moore, Piner, Ripetoe, Smith, Wortham—13.

NOT VOTING—Senator Douglass—1.

Senator Crain moved to re-commit the bill to the Committee of the Whole.

Senator Piner moved to lay this motion on the table.

Lost, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Grace, Henry F. M., Ledbetter, Martin, Moore, Piner, Smith, Wortham—11.

NAYS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Guy, Hobby, McLeary, McCormick, McCulloch, Motley, Stephens, Storey, Terrell, Thompson—17.

The motion of Senator Crain to re-commit the bill to the Committee of the Whole was carried by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, McLeary, McCormick, McCulloch, Motley, Stephens, Storey, Terrell—14.

NAYS—Senators Ball, Blassingame, Brady, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Wortham—13.

The Senate then went into Committee of the Whole in the consideration of the bill.

Senator McCormick in the chair.

IN SENATE.

President *pro tem.* in the chair.

Senator McCormick, Chairman of the Committee of the Whole, reported that the committee have had under consideration Senate Bill No. 275, "An Act to aid in the construction of railroads," etc., and have amended the same, and recommend the adoption of the amendments reported by the committee.

Senator Edwards in the chair.

Senator Douglass moved to adopt the amendments recommended by, and adopted in, the Committee of the Whole.

The amendments reported by the Committee of the Whole and adopted by the Senate:

"SEC. 4. No part of the public domain shall be granted to any railroad company for the building of any railroad in any county wherein a railroad has already been completed and is in operation: *provided*, that this section shall not interfere in any way with any rights under existing charters: *and provided further*, that the provisions of this section shall not apply to any railroad company in any county in which an initial or terminal connection may be made by said railroad with a railroad already in operation."

Add the following section:

"SEC. 6. There being no law authorizing State aid in the construction of railroads now in force, an imperative public necessity, and an emergency exists for the immediate passage of this act, and it is hereby declared that this act take effect and be in force from and after its passage."

The motion of Senator Douglass to adopt the amendments recommended by the Committee of the Whole, was adopted by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Ledbetter, McLeary, McCormick, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—17.

NAYS—Senators Ball, Brady, Henry F. M., Martin, Moore, Piner—6.

NOT VOTING—Senators Blassingame, Douglass, Guy, McCulloch, Smith—5.

Senator Grace was paired off with Senator Hobby, who was absent. He would have voted "nay," and Senator Hobby "yea," on this question.

Senator Terrell offered the following amendment:

"No railroad hereafter chartered shall take any benefit from this act in donations of land until the reservations of land secured by the Constitution for specific objects have been designated and secured."

Senator Douglass moved to lay this amendment on the table.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Carroll, Douglass, Ledbetter, Martin, Moore, Piner, Ripetoe, Smith, Storey, Thompson, Wortham—14.

NAYS—Senators Brown, Burton, Edwards, Francis, Grace, Henry F. M., McCormick, Motley, Stephens, Terrell—10.

NOT VOTING—Senators Ford, Guy, Hobby, McLeary, McCulloch—5.

Senator Crain was excused from voting.

Senator Grace moved a call of the Senate.

Call not sustained.

The bill was ordered engrossed by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Ledbetter, McLeary, McCormick, Motley, Smith, Stephens, Storey, Wortham—15.

NAYS—Senators Ball, Blassingame, Brady, Guy, Henry F. M., Martin, Moore, Piner, Terrell—9.

NOT VOTING—Senators McCulloch, Ripetoe, Thompson—3.

Senator Grace was paired off with Senator Hobby as already stated.

Senator Douglass moved to suspend the rules and place the bill on its third reading.

Lost by the following vote, a four-fifths vote being necessary:

YEAS—Senators Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Guy, Ledbetter, McLeary, McCormick, Motley, Smith, Stephens, Storey, Wortham—18.

NAYS—Senators Ball, Blassingame, Henry F. M., Martin, Moore, Piner, Terrell—7.

NOT VOTING—Senators Grace, Hobby, McCulloch, Ripetoe, Thompson—5.

On motion of Senator Smith, the rule was suspended, and Senate Bill No. 255, "An Act to provide for the resumption by the State of the possession and control of the State Penitentiary at Huntsville, and of all the property and convicts belonging thereto, and to provide for the settlement of all matters between the lessees and State, growing out of the termination of the lease of said penitentiary, and to provide for the management and control of said penitentiary and convicts after the termination of said lease, and to make the necessary appropriations therefor," was taken up and read second time.

Senator Grace moved a call of the Senate, which was sustained.

Roll called.

ABSENT—Senators Ford, Motley, Stephens, Thompson.

On motion of Senator Crain, the call was suspended.

On motion of Senator Smith, the following amendment, recommended by the committee, was adopted:

Add to Section 7: *Provided*, That no convicts shall be hired or leased to do any labor outside of prison walls and detached from the prison when there is sufficient room for their accommodation within the walls of the penitentiary or penitentiaries of the State and their labor can be utilized within said prisons."

Senator Smith offered the following amendments:

In Section 5, line 4, fill the blank at end of line with, "\$5,000."

In Section 6, line 3, fill the blank with, "\$2,000."

Adopted.

In Section 9, line 4, fill the blank with, "\$10,000."

Adopted.

Senator McLeary offered the following amendment:

In Section 4, line 2, strike out the word, "either," and the words, "or said lessees, or both," and in lines 4 and 5, strike out the words, "and said lessees," and in line 4, strike out the word, "between," and insert in lieu thereof, the word, "due."

Senator McLeary moved a call of the Senate.

Call seconded.

Pending which, on motion of Senator Martin, the Senate adjourned until to-morrow morning at 9 o'clock, by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Crain, Martin, McLeary, McCormick, McCulloch, Piner, Ripetoe, Smith, Stephens, Terrell—15.

NAYS—Senators Blassingame, Douglass, Edwards, Francis, Guy, Henry F. M., Hobby, Ledbetter, Martin, Storey, Wortham—11.

NOT VOTING—Senators Ford, Grace, Moore, Thompson—4.

EIGHTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 28, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

President in the chair.

Journal of yesterday adopted.

Senator Douglass, Chairman of the Committee on Internal Improvements, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements have had under consideration House Bill No. 320—"An Act granting further time to the Corpus Christi, San Diego and Rio Grande Railroad Company," and instruct me to report the same back, and recommend its passage.

DOUGLASS, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements have had under consideration House Bill No. 421, "An Act for the relief of the Sherman, Wichita and Pan Handle Railroad Company," and instruct me to report the same back, and recommend its passage.

DOUGLASS, *Chairman.*

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 363, "An Act to attach the county of Concho to the county of Tom Green for judicial and surveying purposes," have instructed me to report it back, and recommend its passage.

HOBBY, *Chairman.*

Senate Bill No. 255, "An Act to provide for the resumption, by the State, of the possession and control of the State Penitentiary at Huntsville, and of all the property and convicts belonging thereto, and